

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 21, 2015

**SENATE BILL**

**No. 675**

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**Introduced by Senator Liu  
(Coauthor: Senator Wolk)**

February 27, 2015

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An act to amend Section 1262.5 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 675, as amended, Liu. Hospitals: family caregivers.

Existing law requires the State Department of Public Health to license and regulate health facilities, defined to mean a facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, as specified. Existing law requires hospitals, among other things, to have a written discharge planning policy and process that requires appropriate arrangements to be made for posthospital care. A violation of those provisions is a crime.

This bill would require a hospital to take specified actions relating to family caregivers, including, among others, notifying the family caregiver of the patient's discharge or transfer to another facility and providing information and counseling regarding the posthospital care needs of the patient, if the patient has consented to the disclosure of this information. By expanding the scope of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1262.5 of the Health and Safety Code is  
2 amended to read:

3 1262.5. (a) Each hospital shall have a written discharge  
4 planning policy and process.

5 (b) The policy required by subdivision (a) shall require that  
6 appropriate arrangements for posthospital care, including, but not  
7 limited to, care at home, in a skilled nursing or intermediate care  
8 facility, or from a hospice, are made prior to ~~the discharge of each~~  
9 ~~patient.~~ *for those patients who are likely to suffer adverse health*  
10 *consequences upon discharge if there is no adequate discharge*  
11 *planning. If the hospital determines that the patient and family*  
12 *members or interested persons need to be counseled to prepare*  
13 *them for posthospital care, the hospital shall provide for that*  
14 *counseling.*

15 (c) As part of the discharge planning process, the hospital shall  
16 provide each patient who has been admitted to the hospital as an  
17 inpatient with an opportunity to identify one family caregiver who  
18 may assist in posthospital care, and shall record this information  
19 in the patient's medical chart.

20 (A) In the event that the patient is unconscious or otherwise  
21 incapacitated upon admittance to the hospital, the hospital shall  
22 provide the patient or patient's legal guardian with an opportunity  
23 to designate a caregiver within a specified time period, at the  
24 discretion of the attending physician, following the patient's  
25 recovery of consciousness or capacity. The hospital shall promptly  
26 document the attempt in the patient's medical record.

27 (B) In the event that the patient or legal guardian declines to  
28 designate a caregiver pursuant to this section, the hospital shall  
29 promptly document this declination in the patient's medical record,  
30 when appropriate.

1 (d) The policy required by subdivision (a) shall require that the  
2 patient's designated family caregiver be notified of the patient's  
3 discharge or transfer to another facility as soon as possible and, in  
4 any event, upon issuance of a discharge order by the patient's  
5 attending physician. If the hospital is unable to contact the  
6 designated caregiver, the lack of contact shall not interfere with,  
7 delay, or otherwise affect the medical care provided to the patient  
8 or an appropriate discharge of the patient. The hospital shall  
9 promptly document the attempted notification in the patient's  
10 medical record.

11 (e) The process required by subdivision (a) shall require that  
12 the patient and family caregiver be informed of the continuing  
13 health care requirements following discharge from the hospital.  
14 The right to information regarding continuing health care  
15 requirements following discharge shall also apply to the person  
16 who has legal responsibility to make decisions regarding medical  
17 care on behalf of the patient, if the patient is unable to make those  
18 decisions for himself or herself. The hospital shall provide an  
19 opportunity for the patient and his or her designated family  
20 caregiver to engage in the discharge planning process, which shall  
21 include providing information and, when appropriate, instruction  
22 regarding the posthospital care needs of the patient. This  
23 information shall include, but is not limited to, education and  
24 counseling about the patient's medications, including dosing and  
25 proper use of medication delivery devices, when applicable. The  
26 information shall be provided in a culturally competent manner  
27 and in a language that is comprehensible to the patient and  
28 caregiver, consistent with the requirements of state and federal  
29 law, and shall include an opportunity for the caregiver to ask  
30 questions about the posthospital care needs of the patient.

31 (f) (1) A transfer summary shall accompany the patient upon  
32 transfer to a skilled nursing or intermediate care facility or to the  
33 distinct part-skilled nursing or intermediate care service unit of  
34 the hospital. The transfer summary shall include essential  
35 information relative to the patient's diagnosis, hospital course,  
36 pain treatment and management, medications, treatments, dietary  
37 requirement, rehabilitation potential, known allergies, and treatment  
38 plan, and shall be signed by the physician.

(2) A copy of the transfer summary shall be given to the patient and the patient's legal representative, if any, prior to transfer to a skilled nursing or intermediate care facility.

(g) A hospital shall establish and implement a written policy to ensure that each patient receives, at the time of discharge, information regarding each medication dispensed, pursuant to Section 4074 of the Business and Professions Code.

(h) A hospital shall provide every patient anticipated to be in need of long-term care at the time of discharge with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options in the patient's county of residence and appropriate to the needs and characteristics of the patient. At a minimum, this information shall include contact information for the area agency on aging serving the patient's county of residence, local independent living centers, or other information appropriate to the needs and characteristics of the patient.

(i) A contract between a general acute care hospital and a health care service plan that is issued, amended, renewed, or delivered on or after January 1, 2002, may not contain a provision that prohibits or restricts any health care facility's compliance with the requirements of this section.

(j) Discharge planning policies adopted by a hospital in accordance with this section shall ensure that planning is appropriate to the condition of the patient being discharged from the hospital and to the discharge destination and meets the needs and acuity of patients.

(k) This section does not require a hospital to do either of the following:

(1) Adopt a policy that would delay discharge or transfer of a patient.

(2) Disclose information if the patient has not provided consent that meets the standards required by state and federal laws governing the privacy and security of protected health information.

(l) This section does not supersede or modify any privacy and information security requirements and protections in federal and state law regarding protected health information or personally identifiable information, including, but not limited to, the federal

1 Health Insurance Portability and Accountability Act of 1996 (42  
2 U.S.C. Sec. 300gg).

3 (m) For the purposes of this section, “family caregiver” means  
4 a relative, friend, or neighbor who provides assistance related to  
5 an underlying physical or mental disability but who is unpaid for  
6 those services.

7 SEC. 2. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.